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OCT 31 1995

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In re Application of
Greene *et al*
Application No.: 08/425,766
Filed: April 19, 1995
Attorney Docket No.: 017220.0115

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: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
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This Reissue application was filed April 19, 1995, with a Declaration under 37 CFR 1.63 signed by joint inventor Greene. Papers filed June 19, 1995, in response to a "Notice To File Missing Parts ... Filing Date Granted" mailed May 17, 1995, included, *inter alia*,:

- (1) a petition under 37 CFR 1.47 with fee;
- (2) a declaration of facts of Thomas A. Gigliotti stating that he received a letter (of May 17, 1995) (purported to be attached) from the non-signing inventor's attorney, Mr. Daniel V. Thompson, refusing to execute the application papers for the present Reissue application; and
- (3) the surcharge.

The above application and papers have been reviewed but not found in compliance with 37 CFR 1.47(a) based on the following reason:

- (1) Rule 47 applicant failed to show or provide proof that the non-signing inventor refused to execute the application papers. Although the statement of Thomas A. Gigliotti asserts that a copy of a letter of refusal (of May 17, 1995) was attached thereto, no letter (of May 17, 1995) of refusal has been found to be included with the papers filed June 19, 1995.

Status under 37 CFR 1.47(a) is DISMISSED at this time. Rule 47 applicant is given TWO MONTHS from the mailing date of this application to respond, correcting the above-noted deficiency. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). Response should be directed to the Special Program Law Office, Office of the Deputy Assistant Commissioner for Patent Policy and Projects, Crystal Park 1, Suite 520, Washington, D.C. 20231.

Magdalen Y.C. Greenlief

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